

Cause No. 19-DCV-265715

MICHAEL BILL, and
CHARLOTTE BILL
Plaintiffs,

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IN THE DISTRICT COURT

V.

FORT BEND COUNTY, TEXAS

GEOVERA ADVANTAGE
INSURANCE COMPANY
Defendant.

Fort Bend County - 434th Judicial District Court
____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MICHAEL BILL and CHARLOTTE BILL (herein "Plaintiffs ") and files this PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE, complaining of GEOVERA ADVANTAGE INSURANCE COMPANY (herein "GAIC"), and respectfully shows this Honorable Court the following:

I. DISCOVERY CONTROL PLAN

1. Plaintiffs intend for discovery to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiffs Michael Bill and Charlotte Bill are individuals residing in Fort Bend County, Texas.

3. Defendant GAIC is a foreign insurance company engaged in the business of insurance in the State of Texas with its principal office located in Fairfield, California. The causes of action asserted arose from or are connected with purposeful acts committed by



Defendant in the State of Texas, in Fort Bend County. Defendant GAIC may be served via its registered Attorney for Service: Corporation Service Company, 211 East 7th Street, Suite 620, Austin, TX 78701-3218.

III. JURISDICTION

4. The Court has jurisdiction over this cause of action because the amount in controversy is within the jurisdictional limits of the Court. Plaintiffs are seeking monetary relief of more than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

5. The Court has jurisdiction over Defendant GAIC because this defendant engages in the business of insurance in the State of Texas, and Plaintiffs' causes of action arise out of this Defendant's business activities in the State of Texas.

IV. VENUE

6. Venue is proper in Fort Bend, Texas, because the insured property is situated in Fort Bend County, Texas. TEX. CIV. PRAC. & REM. CODE §15.032.

V. FACTS

7. Plaintiffs are the owners of a GeoVera Advantage Insurance Policy, with Policy No. GC50022411, which was issued and sold by GAIC (hereinafter referred to as "the Policy") and was effective during the date of incident (See Exhibit A).

8. Plaintiffs own the insured property, which is specifically located at 4010 Laguna Point Ln, Missouri City, Texas 77459, which is located in Fort Bend County, Texas (herein "the Property"). On or about August 25, 2017, a severe wind and/or hail storm struck Fort Bend County, Texas ("the Incident"). This storm caused substantial damage to buildings in the area,



including Plaintiffs' Property. On or about June 28, 2019, Plaintiff had E-One Maintenance conducted on the Property. E-One Maintenance found that the Property sustained both interior and exterior damages due to substantial wind and/or hail damage as a result of the Incident. E-One Maintenance are currently determining the damages and estimates for this property. A detailed report of their findings will be provided upon its completion.

9. Prior to the inspection conducted by E-One Maintenance, Plaintiffs submitted a claim to GAIC against the Policy referenced in paragraph 7 for hail and wind damage to the Property sustained as a result of the Incident, and their claim was assigned claim number 1724201579 by Defendant GAIC on May 30, 2019 ("the Claim"). Plaintiffs asked that GAIC cover all costs of repairs to the Property, as shown *supra*, pursuant to the Policy.

10. GAIC acknowledged the claim and informed the Plaintiffs that further on-site investigation of the claim might be necessary.

11. Thereafter, GAIC assigned Mr. Chris Lee (herein "Lee") to inspect the Property and adjust the claim on its behalf.

12. As of August 7, 2019, Defendant GAIC has not adequately compensate compensated Plaintiffs' claim.

13. Defendant GAIC failed to perform its contractual duty to adequately compensate Plaintiffs under terms of the Policy. Specifically, it refused to pay adequately proceeds of the Policy, although due demand was made for proceeds to be paid in an amount sufficient to cover the damaged Property. GAIC's conduct constitutes a breach of the insurance contract between GAIC and Plaintiffs.

14. Defendant GAIC and Lee failed to settle Plaintiffs' claim in a fair manner, although they were aware of their liability to Plaintiffs under the Policy. Defendant GAIC conduct



constitutes a violation of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a)(2)(A).

15. Defendant GAIC failed to accept or deny Plaintiffs' full and entire claim within the statutorily mandated time of receiving all necessary information. GAIC's conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. TEX. INS. CODE §542.056.

16. Defendant GAIC failed to meet its obligations under the Texas Insurance Code regarding payment of claim without delay. Specifically, it has delayed full payment of Plaintiffs' claim longer than allowed and, to date, Plaintiffs have not received full payment for their claim. GAIC's conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. TEX. INS. CODE §542.058.

17. As a result of Defendant GAIC and Lee's wrongful acts and omissions, Plaintiffs were forced to retain the professional services of the attorney and law firm who is representing them with respect to these causes of action.

VI. CAUSES OF ACTION

18. Defendant GAIC is liable to Plaintiffs for breach of contract, "knowing" violations of Chapters 541 and 542 of the Texas Insurance Code, and for Lee's acts as GAIC's agent.

A. BREACH OF CONTRACT

19. Plaintiffs re-allege and incorporates the facts and allegations set forth in the above paragraphs as if they were fully set forth at length herein.

20. Defendant GAIC's conduct constitutes a breach of the insurance contract made between GAIC and Plaintiffs.

21. A contract exists when: 1) an offer is made for goods or services; 2) acceptance is followed thereafter; 3) there is a meeting of the minds between the parties; 4) each party consents

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to the essential terms; and 5) there is an execution and delivery of the contract with the intent that it is mutual and binding. *Baroid Equipment, Inc. v. Odeco Drilling, Inc.*, 184 S.W.3d 1, 17 (Tex.App.–Houston [1st Dist.] 2005, pet. denied).

22. A party may breach the contract by failing to uphold its obligations under the terms of the contract, after the other party has already performed, and the second party has suffered damages.

23. Defendant GAIC's failure and/or refusal, as described above, to pay adequate compensation as it is obligated to do under the terms of the policy in question, and under the laws of the State of Texas, after Plaintiffs fully performed all of their obligations under the Policy, including the payment of the premium, constitutes a breach of GAIC's insurance contract with Plaintiffs.

B. NONCOMPLIANCE WITH TEXAS INSURANCE CODE: UNFAIR SETTLEMENT
PRACTICES

24. Plaintiffs re-allege and incorporates the facts and allegations set forth in the above paragraphs as if they were fully set forth at length herein.

25. Defendant GAIC's conduct constitutes multiple violations of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a). All violations under this article are made actionable by TEX. INS. CODE §541.151.

27. Defendant GAIC's unfair settlement practice, as described above, of failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of the claim, even though GAIC's liability under the policy was reasonably clear, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(2)(A).

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28. Defendant GAIC's unfair settlement practice, as described above, of failing to promptly provide Plaintiffs with a reasonable explanation of the basis in the Policy, in relation to the facts or applicable law, for its failure to offer a compromise settlement of the claim, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(3).

29. Defendant GAIC's unfair settlement practice, as described above, of refusing to pay Plaintiffs' claim without conducting a reasonable investigation, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(7).

C. NONCOMPLIANCE WITH TEXAS INSURANCE CODE: THE PROMPT PAYMENT OF
CLAIMS

30. Plaintiffs re-allege and incorporates the facts and allegations set forth in the above paragraphs as if they were fully set forth at length herein.

31. Defendant GAIC's conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. Violations under this article are made actionable by TEX. INS. CODE §542.060.

32. Defendant GAIC's failure to notify Plaintiffs in writing of its acceptance or rejection of the entire claim within the applicable time constraints, constitutes a non-prompt payment of the claim. TEX. INS. CODE §542.056.

33. Defendant GAIC's delay of the payment of Plaintiffs' claim following its receipt of all items, statements, and forms reasonably requested and required, longer than the amount of time provided for, as described above, constitutes a non-prompt payment of the claim. TEX. INS. CODE §542.058.

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D. ACTS CONSTITUTING ACTING AS AGENT

34. Plaintiffs re-allege and incorporates the facts and allegations set forth in the above paragraphs as if they were fully set forth at length herein.

35. Defendant Lee's conduct constitutes multiple violations of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a). All violations under this article are made actionable by TEX. INS. CODE §541.151.

36. Defendant Lee's unfair settlement practice, as described above, of failing to attempt in good faith to *effectuate* a prompt, fair, and equitable settlement of the claim, even though liability under the Policy is reasonably clear, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(2)(A).

37. The unfair settlement practice of Lee as described above, of failing to promptly provide Plaintiffs with a reasonable explanation of the basis in the Policy, in relation to the facts or applicable law, for the offer of a compromise settlement of Plaintiffs' claim, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(3).

38. Defendant Lee's unfair settlement practice, as described above, of failing within a reasonable time to affirm or deny coverage of the claim to Plaintiffs, or to submit a reservation of rights to Plaintiffs, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(4).

39. Lee did not properly inspect the Property and therefore failed to assess many of the Plaintiffs' covered damages, although Plaintiffs had reported the same to Lee. Defendant Lee's unfair settlement practice, as described above, of refusing to pay Plaintiffs' claim without

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conducting a reasonable investigation, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(7).

40. An insured that is subject to prohibited conduct by an insurance carrier, or its representatives and agents, can seek redress under both the Texas Insurance Code and the Texas Deceptive Trade Practices Act (herein "DTPA"). TEX. BUS. & COM. CODE § 17.43; *Vail v. Texas Farm Bur. Mut. Ins. Co.*, 754 S.W.2d 129, 133-36 (Tex. 1988).

41. Plaintiffs are a "consumer" under the DTPA. TEX. BUS. & COM. CODE § 17.45(4).

42. Section 17.45(5) of the DTPA defines "unconscionable action or course of action" as "an act or practice which, to a consumer's detriment, takes advantage of the lack of knowledge, ability, experience, or capacity of the consumer to a grossly unfair degree." TEX. BUS. & COM. CODE § 17.45(5).

43. Section 17.50 of the DTPA authorizes a consumer to "maintain an action where [...] any unconscionable action or course of action *by any person*" constitutes a producing cause of economic damages or damages for mental anguish. TEX. BUS. & COM. CODE §17.50(a)(3) (emphasis added).

44. In the instant matter, Lee clearly sought to take advantage of the lack of knowledge, ability, experience, or capacity of the Plaintiffs to a grossly unfair degree. After the full-detailed estimate report was given to the Plaintiffs, Lee did not clearly explained what he found during his inspection at the Property.

45. As referenced and described above, and further conduct throughout this litigation and lawsuit, Lee is an agent of Defendant GAIC based on Defendant GAIC's acts, ratification, negligent hiring and training, supervision and/or omissions during the handling of this claim, including but not limited to, inspections, adjustments, and aiding in adjusting a loss for or on

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behalf of the insurer. TEX. INS. CODE §4001.051.

46. Separately, and/or in the alternative, as referenced and described above, Defendant GAIC ratified the acts, negligent hiring and training, supervision and/or omissions of Lee, including the completion of his duties under the common-law and statutory law.

VII. KNOWLEDGE

47. Plaintiffs re-alleges and incorporates the facts and allegations set forth in the above paragraphs as if they were fully set forth at length herein.

48. Each of the acts described above, together and singularly, was done "knowingly," as that term is used in the Texas Insurance Code and was a producing cause of Plaintiffs' damages described herein.

VIII. DAMAGES

49. Plaintiffs would show that all of the aforementioned acts, taken together or singularly, constitute the producing causes of the damages sustained by Plaintiffs.

50. As previously mentioned, the damages caused by the August 25, 2017 hail storm and/or windstorm have not been properly addressed or repaired in the months since the Incident, causing further damages to the Property, and causing undue hardship and burden to Plaintiffs. These damages are a direct result of Defendant GAIC's mishandling of Plaintiffs' claim in violation of the laws set forth above.

51. For breach of contract, Plaintiffs are entitled to regain the benefit of the bargain, which is the amount of the claim, together with attorney's fees.

52. For noncompliance with the Texas Insurance Code, Unfair Settlement Practices, Plaintiff are entitled to actual damages, which include the loss of the benefits that should have been paid pursuant to the policy, mental anguish, court costs, and attorney's fees. For

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knowing conduct of the acts described above, Plaintiffs asked for three times for the actual damages. TEX. INS. CODE §541.152.

53. For noncompliance with Texas Insurance Code, Prompt Payment of Claims, Plaintiffs are entitled to the amount of their claim, as well as fifteen (15) percent interest per annum on the amount of such claim as damages, together with attorney's fees. TEX. INS. CODE §542.060.

54. For Defendant Lee's violation of the DTPA, Plaintiffs are entitled to economic damages, damages for mental anguish, exemplary damages, court costs & expenses, and reasonable attorneys' fees.

55. For the prosecution and collection of this claim, Plaintiffs have been compelled to engage the services of the attorney whose name is subscribed to this pleading. Therefore, Plaintiffs are entitled to recover a sum for the reasonable and necessary services of Plaintiffs' attorney in the preparation and trial of this action, including any appeals to the Court of Appeals and/or the Supreme Court of Texas.

IX. CONDITIONS PRECEDENT

56. Plaintiffs assert that all conditions precedent to filing suit under the policy referenced in paragraph 7 have been met and fulfilled.

X. REQUESTS FOR DISCLOSURE

57. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs hereby request Defendant GAIC disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2(a) through (1) of the Texas Rules of Civil Procedure.

XI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon trial hereof, said Plaintiffs recover such sums as would reasonably and justly compensate them in

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accordance with the rules of law and procedure, as to actual damages, treble damages under the Texas Insurance Code, and all punitive and exemplary damages as may be found. In addition, Plaintiffs request the award of attorney's fees for the trial and any appeal of this case, for all costs of Court on their behalf expended, for prejudgment and post-judgment interest as allowed by law, and for any other and further relief, either at law or in equity, to which they is justly entitled.

Johnny Nguyen & Associates

By: /s/Johnny Nguyen
Johnny Nguyen
SBN: 24090667
2825 Wilcrest Drive
Suite 308
Houston, Texas, 77042
T: (832) 834-5918
F: (281) 503-7503
jnguyen@johnnynguyenlaw.com

Attorney for Plaintiffs:
MICHAEL BILL and
CHARLOTTE BILL

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I, BEVERLEY MCGREW WALKER, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 13 day of February 2020



BEVERLEY MCGREW WALKER

By Erica Rodriguez Deputy
Erica Rodriguez

**SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: GEOVERA ADVANTAGE INSURANCE COMPANY
C/O CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE** filed on **August 21, 2019**, a default judgment may be taken against you.

The case is presently pending before the **434TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-265715** and is styled:

MICHAEL BILL, AND CHARLOTTE BILL V. GEOVERA ADVANTAGE INSURANCE COMPANY

The name and address of the attorney for **PLAINTIFF** is:

**JOHNNY NGUYEN
JOHNNY NGUYEN & ASSOCIATES
2825 WILCREST DR STE 308
HOUSTON TX 77042
832-834-5918**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 22nd day of November, 2019.**

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: Erica Rodriguez
Deputy District Clerk **ERICA RODRIGUEZ**
Telephone: (281) 633-7612



ORIGINAL

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19-DCV-265715

434th Judicial District Court

Michael Bill, and Charlotte Bill V. Geovera Advantage Insurance Company

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at _____ o'clock ____ M.

Executed at _____, within the County of ____

_____, at _____ o'clock ____ M. on the _____ day of _

_____, 20__, by delivering to the within named _____

_____, in person, a true copy of this citation together

with the accompanying copy of the petition, having first attached such copy of such petition to such copy

of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ____ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____,
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

_____. "

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (Original Petition) issued to GeoVera Advantage Insurance Company on 11/22/2019.

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**SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK** THE STATE OF TEXAS

CITATION

**TO: GEOVERA ADVANTAGE INSURANCE COMPANY
C/O CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

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MICHAEL BILL, AND CHARLOTTE BILL V. GEOVERA ADVANTAGE INSURANCE COMPANY

The name and address of the attorney for **PLAINTIFF** is:

**JOHNNY NGUYEN
JOHNNY NGUYEN & ASSOCIATES
2825 WILCREST DR STE 308
HOUSTON TX 77042
832-834-5918**

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If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 22nd day of November, 2019.**

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: Erica Rodriguez
Deputy District Clerk **ERICA RODRIGUEZ**
Telephone: **(281) 633-7612**



SERVICE

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19-DCV-265715

434th Judicial District Court

Michael Bill, and Charlotte Bill V. Geovera Advantage Insurance Company

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at ____ o'clock ____ M.

Executed at _____, within the County of ____

_____, at ____ o'clock ____ M. on the _____ day of _____, 20__, by delivering to the within named _____

_____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ____ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____,
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

_____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

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I, BEVERLEY MCGREW WALKER, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 13 day of February 20 20



BEVERLEY MCGREW WALKER

By Erica Rodriguez Deputy
Erica Rodriguez

Filed
11/18/2019 1:31 PM
Beverley McGrew Walker
District Clerk
Fort Bend County, Texas
Erica Rodriguez



BEVERLEY MCGREW WALKER
Fort Bend County District Clerk
301 Jackson, Richmond, TX 77469

Telephone: (281) 341-4509
Fax: (281) 341-4519

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No. 19-DCV-265715

STYLE: Michael Bill and Charlotte Bill vs Geovera Advantage Insurance Company

Section 2:

Check Process Type:

- ☒ Citation ☐ Precept to Serve / Notice of Hearing
☐ Citation by Posting ☐ Citation by Commissioner of Insurance
☐ Temporary Restraining Order ☐ Notice of Registration of Foreign Judgment
☐ Citation by Secretary of State ☐ Writ of _____
☐ Application for Protective Order / Temporary (Ex Parte) Protective Order
☐ Citation by Publication*:
☐ **Daily:** Fort Bend Herald ☐ **Once a Week:** Fort Bend Independent
☐ **Other:** _____
 * In Accordance with the Fort Bend County Term Contract for Newspaper Publication of Legal Notices
☐ Other _____

**REQUEST FOR ISSUANCE OF SUBPOENA MUST BE SUBMITTED ON A
SUBPOENA APPLICATION FORM**

Section 3:

Title of Document/Pleading to be attached for service: Plaintiff's Original Petition and
Request for Disclosure

Section 4: **PARTIES TO BE SERVED** (Please type or print):

1. Name: Geovera Advantage Insurance Company
 Address: 211 East 7th Street, Suite 620
 City: Austin State: Texas Zip: 78701-3218
2. Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____



3. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Section 5**Check Service Type – Additional Fees Apply:**

- ☐ Fort Bend County – Constable* ☐ Fort Bend County – Sheriff*
☐ Certified Mail ☐ Registered Mail (Out of Country)

* Fort Bend County Constable and Sheriff will only serve within their jurisdiction.**Section 6 (ONLY if Section 7 does not apply)****Please Note: Our office will use the e-Service email address registered with the Texas State Bar.****Attorney Name:** Johnny Nguyen

Address: 2825 Wilcrest Dr., Ste. 308

Houston

City

Street/P.O. Box

Texas

State

77017

Zip

Telephone No. 8328345918 Bar No. 24090667

Section 7 (ONLY if Section 6 does not apply)**Pro-Se Name:** _____

Address: _____

Street/P.O. Box

City

State

Zip

Telephone No. _____ Email Address _____

Pro-se Service Only:

- ☐ e-Service* ☐ Mail to Pro-se Party* ☐ Hold for Pick up

*Service will be mailed/emailed directly to pro-se party requesting issuance.

I, BEVERLEY MCGREW WALKER, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 13 day of February 2020



BEVERLEY MCGREW WALKER

By Erica Rodriguez Deputy
Erica Rodriguez

Filed
1/30/2020 3:26 PM
Beverley McGrew Walker
District Clerk
Fort Bend County, Texas
Shelby Taylor



BEVERLEY MCGREW WALKER
Fort Bend County District Clerk
301 Jackson, Richmond, TX 77469

Telephone: (281) 341-4509
Fax: (281) 341-4519

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No. 19-DCV-265715

STYLE: Michael Bill and Charlotte Bill vs Geovera Advantage Insurance Company

Section 2:

Check Process Type:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Precept to Serve / Notice of Hearing |
| <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Commissioner of Insurance |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Notice of Registration of Foreign Judgment |
| <input type="checkbox"/> Citation by Secretary of State | <input type="checkbox"/> Writ of _____ |
| <input type="checkbox"/> Application for Protective Order / Temporary (Ex Parte) Protective Order | |
| <input type="checkbox"/> Citation by Publication*: | |
| <input type="checkbox"/> Daily: Fort Bend Herald | <input type="checkbox"/> Once a Week: Fort Bend Independent |
| <input type="checkbox"/> Other: _____ | |

* In Accordance with the Fort Bend County Term Contract for Newspaper Publication of Legal Notices

☐ Other _____

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SUBPOENA APPLICATION FORM**

Section 3:

Title of Document/Pleading to be attached for service: Plaintiff's Original Petition and
Request for Disclosure

Section 4: **PARTIES TO BE SERVED** (Please type or print):

1. Name: Geovera Advantage Insurance Company

Address: 211 East 7th Street, Suite 620

City: Austin State: Texas Zip: 78701-3218

2. Name: _____

Address: _____

City: _____ State: _____ Zip: _____



3. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Section 5**Check Service Type – Additional Fees Apply:**

- ☐ Fort Bend County – Constable* ☐ Fort Bend County – Sheriff*
☐ Certified Mail ☐ Registered Mail (Out of Country)

* Fort Bend County Constable and Sheriff will only serve within their jurisdiction.**Section 6 (ONLY if Section 7 does not apply)****Please Note: Our office will use the e-Service email address registered with the Texas State Bar.****Attorney Name:** Johnny Nguyen

Address: 2825 Wilcrest Dr., Ste. 308

Houston

City

Street/P.O. Box

Texas

State

77017

Zip

Telephone No. 8328345918 Bar No. 24090667

Section 7 (ONLY if Section 6 does not apply)**Pro-Se Name:** _____

Address: _____

Street/P.O. Box

City

State

Zip

Telephone No. _____ Email Address _____

Pro-se Service Only:

- ☐ e-Service* ☐ Mail to Pro-se Party* ☐ Hold for Pick up

*Service will be mailed/emailed directly to pro-se party requesting issuance.

I, BEVERLEY MCGREW WALKER, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 13 day of February 2020



BEVERLEY MCGREW WALKER

By Erica Rodriguez Deputy
Erica Rodriguez

**SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: GEOVERA ADVANTAGE INSURANCE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE** filed on **August 21, 2019**, a default judgment may be taken against you.

The case is presently pending before the **434TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-265715** and is styled:

MICHAEL BILL, AND CHARLOTTE BILL V. GEOVERA ADVANTAGE INSURANCE COMPANY

The name and address of the attorney for **PLAINTIFF** is:

**JOHNNY NGUYEN
JOHNNY NGUYEN & ASSOCIATES
2825 WILCREST DR STE 308
HOUSTON TX 77042
832-834-5918**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFFS' ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 31st day of January, 2020.**

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: Erica Rodriguez
Deputy District Clerk ERICA RODRIGUEZ
Telephone: (281) 633-7612



ORIGINAL

Electronic Certified Copy



19-DCV-265715

434th Judicial District Court

Michael Bill, and Charlotte Bill V. Geovera Advantage Insurance Company

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at _____ o'clock ____ M.

Executed at _____, within the County of ____

_____, at _____ o'clock ____ M. on the _____ day of _

_____, 20__, by delivering to the within named _____

_____, in person, a true copy of this citation together

with the accompanying copy of the petition, having first attached such copy of such petition to such copy

of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ____ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____,
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

_____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (Original Petition) issued to GeoVera Advantage Insurance Company on 1/31/2020.

Electronic Certified Copy



**SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK** THE STATE OF TEXAS

CITATION

**TO: GEOVERA ADVANTAGE INSURANCE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

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FORT BEND COUNTY, TEXAS**

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By: Erica Rodriguez
Deputy District Clerk **ERICA RODRIGUEZ**
Telephone: (281) 633-7612



SERVICE

Electronic Certified Copy

19-DCV-265715

434th Judicial District Court

Michael Bill, and Charlotte Bill V. Geovera Advantage Insurance Company

OFFICER'S OR AUTHORIZED PERSON'S RETURN

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County, Texas

By: _____

Signature of Deputy or Authorized Person

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

Electronic Certified Copy

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This 13 day of February 2020



BEVERLEY MCGREW WALKER

By Erica Rodriguez Deputy
Erica Rodriguez

Filed
2/7/2020 10:12 AM
Beverley McGrew Walker
District Clerk
Fort Bend County, Texas
Erica Rodriguez

AFFIDAVIT OF SERVICE

State of Texas

County of Fort Bend

434th Judicial District Court

Case Number: 19-DCV-265715

Plaintiff:

Michael Bill and Charlotte Bill

vs.

Defendant:

Geovera Advantage Insurance Company

For:

JOHNNY NGUYEN
JOHNNY NGUYEN & ASSOCIATES
2825 WILCREST DRIVE
SUITE 308
HOUSTON, TX 77042

Received by Duces Tecum, Inc. on the 3rd day of February, 2020 at 1:24 pm to be served on **Geovera Advantage Insurance Company By Delivering To Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Travis County, Travis County, TX 78701.**

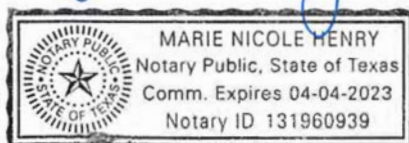
I, Mike Techow, being duly sworn, depose and say that on the **3rd day of February, 2020 at 1:25 pm, I:**

delivered to **REGISTERED AGENT** by delivering a true copy of the **Citation and Plaintiffs' Original Petition and Requests for Disclosure** with the date of service endorsed thereon by me, to: **Samantha Guerra, Corporation Service Company as Authorized Agent** at the address of: **211 East 7th Street, Suite 620, Austin, Travis County, Travis County, TX 78701** on behalf of **Geovera Advantage Insurance Company**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 3rd day of February, 2020 by the affiant who is personally known to me.

Marie Henry
NOTARY PUBLIC



[Signature]

Mike Techow
PSC-1215, Exp. 7/31/20

Duces Tecum, Inc.
7211 Regency Square Blvd.
Suite 232
Houston, TX 77036
(713) 520-9646

Our Job Serial Number: DTI-2020000113



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BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

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ORIGINAL

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19-DCV-265715

434th Judicial District Court

Michael Bill, and Charlotte Bill V. Geovera Advantage Insurance Company

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ORIGINAL

Citation (Original Petition) issued to GeoVera Advantage Insurance Company on 1/31/2020.

Electronic Certified Copy